

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMAAL ALI,

Plaintiff,

-v-

9:12-CV-0104

DR. MICHAEL F. HOGAN, Commissioner, New York
State Office of Mental Health; DR. DONALD SAWYER,
Executive Director; and DR. TERRI MAXY MILLIAN, Sex
Offender Treatment Program Director, Central New
York Psychiatric Center,

Defendants.

APPEARANCES:

JAMAAL ALI
Plaintiff, Pro Se
29635
CNYPC
P.O. Box 300
Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

KRISTEN M. QUARESIMO, ESQ.
Ass't Attorney General

DECISION and ORDER

Plaintiff brought this action pursuant to 42 U.S.C. § 1983 as well as Title II of the
Americans with Disabilities Act and Section 504 of the Rehabilitation Act. On September 11,

2013, the Honorable Randolph F. Treece, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for judgment on the pleadings be granted in part and denied in part. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. § 636(b)(1).

Therefore, it is

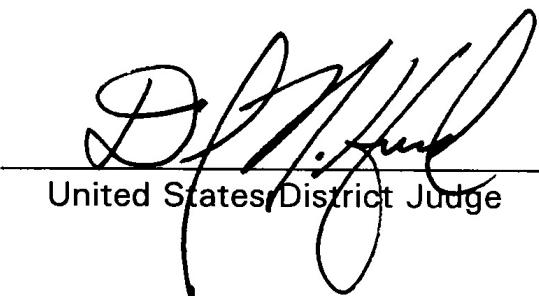
ORDERED that

1. Defendants' motion for judgment on the pleadings is GRANTED as follows:
 - (a) Plaintiff's § 1983 claim is DISMISSED;
 - (b) Plaintiff's claims pursuant to the ADA and Rehabilitation Act against defendants in their individual capacities are DISMISSED;
 - (c) Plaintiff's New York State Human Rights Law claims against defendants in their official capacities are DISMISSED;
 - (d) Plaintiff's claims pursuant to the Rehabilitation Act for monetary damages against defendants in their official capacities are DISMISSED;
 - (e) Plaintiff's claim pursuant to the New York Mental Hygiene Law is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(d)(2);
2. Defendants' motion for judgment on the pleadings is DENIED as follows:
 - (a) DENIED as to plaintiff's New York State Human Rights Law claim against defendants in their individual capacities;
 - (b) DENIED as to plaintiff's claims pursuant to the ADA and the Rehabilitation Act for declaratory and injunctive relief against defendants in their official capacities;

(c) DENIED, without prejudice, as to plaintiff's claims pursuant to the ADA for monetary damages against defendants in their official capacities; and

(d) DENIED, without prejudice, as to defendants' qualified immunity defense.

IT IS SO ORDERED.



United States District Judge

Dated: September 30, 2013
Utica, New York.